

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

LATOYA SCOTT,

Plaintiff,

v.

DELTA AIR LINES, INC., UNIFI,
LLC,
AVIATION, LLC AND JOHN DOE
CORPORATIONS (1-3)

Defendants.

CIVIL ACTION

FILE NO. _____

DEFENDANTS' NOTICE OF REMOVAL

COME NOW, Defendant Delta Air Lines, Inc. and Defendant Unifi, LLC (hereinafter "Defendants") named as Defendants in the above-referenced matter, and file this Notice of Removal of Plaintiff's Complaint pursuant to 28 U.S.C. § 1441 and 1446.

1. This Notice is filed on behalf of Defendants in this case.
2. This action was commenced in the State Court of Fulton County, Georgia, as Civil action File No. 23EV002883. Plaintiff's initial pleading commencing this renewal action was filed with the Clerk of the State Court

- of Fulton County on May 17, 2023. Service on Defendants was perfected on May 17, 2023. See Exs. 3, 4. Therefore, this Notice of Removal is timely under 28 U.S.C. § 1446(b)(1).
3. The action is a civil suit that purports to state a claim for violation of the Air Carrier Access Act (14 CFR § 382). See Ex. 1, at Paragraphs 21-24). Plaintiff alleges Defendants violated 14 CFR § 382.40 in its breach of duties to Plaintiff during her deplaning process upon arrival at Hartsfield Jackson Atlanta International Airport (“Airport”), during her enplaning process and while aboard her departure flight from the Airport on May 15, 2021. Id.
 4. This Court therefore has original jurisdiction over the 14 CFR § 382 claim under 28 U.S.C. § 1331.
 5. The United States District Court for the Northern District of Georgia, Atlanta Division, is the appropriate district court embracing the place where this action is pending.
 6. As of this filing, Defendant has not filed a responsive pleading in the state court below since the time for doing so has not yet passed. Pursuant to the Federal Rules of Civil Procedure 81, Defendant has until 7 (seven) days after this Notice of Removal is filed to do so. See Fed. R. Civ. P. 81(c)(2).

7. Copies of the Complaint, the summons, and all other documents filed in the state court are attached as exhibits to this Notice as described below.

| Exhibit | Description | Date of Filing |
|----------------|--------------------------------------------------------------------------------|-----------------------|
| 1 | Summons and Renewal Complaint to Delta Air Lines, Inc. | May 14, 2023 |
| 2 | Summons and Renewal Complaint to Unifi, LLC | May 14, 2023 |
| 3 | Affidavit of Service to Delta Air Lines, Inc. | May 24, 2023 |
| 4 | Affidavit of Service to Unifi, LLC | May 24, 2023 |
| 5 | Plaintiff's First Interrogatories to Delta Air Lines, Inc. | May 14, 2023 |
| 6 | Plaintiff's First Request for Production of Documents to Delta Air Lines, Inc. | May 14, 2023 |
| 7 | Plaintiff's Request for Admissions to Delta Air Lines, Inc. | May 14, 2023 |
| 8 | Plaintiff's Request for Admissions to Unifi, LLC | May 14, 2023 |
| 9 | Plaintiff's First Request for Production of Documents to Unifi, LLC | May 14, 2023 |

Wherefore, Defendants pray that this cause be removed to the United States District Court for the Northern District of Georgia, Atlanta Division, and that no further proceedings occur in the State Court of Fulton County, Georgia.

Respectfully submitted this 16th day of June 2023.

HALL BOOTH SMITH, P.C.

/s/ Justin M. Kerenyi

JUSTIN M. KERENYI
Georgia Bar No. 416623

*Counsel for Defendants Delta Air Lines,
Inc. and Unifi, LLC*

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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the within and foregoing **DEFENDANTS' NOTICE OF REMOVAL** upon counsel for all parties by depositing a true copy of the same in the in the U.S. Mail, proper postage prepaid, addressed to counsel of record as follows and/or filing said document with the CM/ECF system which will automatically send electronic notification to the following:

Noah Moore, Esq.
THE LAW OFFICES OF NOAH J. MOORE
600 Peachtree Street, NE, Suite 3710
Atlanta, GA 30308
Noah@injuryfirmatl.com
veronica@injuryfirmatl.com

Respectfully submitted this 16th day of June 2023.

HALL BOOTH SMITH, P.C.

/s/ Justin M. Kerenyi

JUSTIN M. KERENYI
Georgia Bar No. 416623

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